



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 4/10/03
Agenda Item 2

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Administrative Use Permit No. PL-2003-0030 – Institute of Divine Metaphysical Research/Alex Bailey (Applicant)/ Loube, et. al. (Owner) – Request to Continue Operating a Religious Facility in the Vermont Plaza Shopping Center.

The Property is Located at 22636 Vermont Street in the Neighborhood Commercial (CN) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, Section 15301, Class 1 Existing Facilities.
2. Approve the application, subject to the attached Findings and Conditions of Approval.

DISCUSSION:

The Planning Commission approved a conditional use permit on March 23, 2000 to allow the Institute of Divine Metaphysical Research (IDMR), a non-profit religious and scientific organization, to conduct Bible classes within an 1,800 square foot commercial space in the Vermont Shopping Center for a period of 3 years. The conditional use permit has expired and the applicant is requesting that religious use of the commercial space be extended indefinitely. According to the previous conditions of approval, the Planning Commission would examine the request in light of how well the conditions of approval were met and the needs of the neighborhood and the shopping center.

The applicant and property owner have met the conditions of approval. The property owner has kept the shopping center in good order and new tenant signage is in compliance with the City's sign ordinance.

Since the approval of the Conditional Use Permit, a vacancy has been filled by El Sol Supermarket and another will be filled by a "dollar store" in May. The bar and business center have since closed and the business center has been replaced with a dance studio. The pizza and Chinese restaurants, the nail parlor, the laundromat, and the liquor store remain. Though the shopping center is nearly filled, it is underutilized in spite of having a sufficient customer base (approximately 2900 dwelling units with a population of 7,700) and through traffic on B Street to support it.

The Upper B Street Neighborhood Plan notes that the shopping center "*would benefit from landscaping and upgrades to building facades*" to make it a vital neighborhood center. Staff concurs with this comment, however no improvements are proposed and the property manager has indicated that it is difficult to find tenants for the shopping center. The applicant has two one-year renewal options on his lease.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1, Existing Facilities.

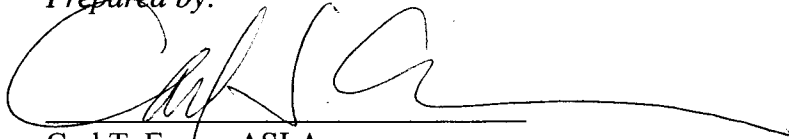
PUBLIC NOTICE:

On, March 31, 2003, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, the Upper B Street Neighborhood Task Force. Staff received two responses in support of the application, one of which is a letter from the property manager.

CONCLUSION:

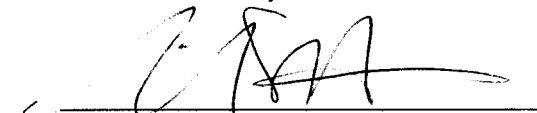
Staff believes that the City should continue to encourage retail and complementary service uses in this shopping center consistent with the purpose of the Neighborhood Commercial District. However, until the shopping center is upgraded, it will be difficult to attract tenants for the shopping center. In light of this, and the support of the property manager, staff recommends that the Institute of Divine Metaphysical Research be allowed to continue to use the space as a religious facility.

Prepared by:



Carl T. Emura ASLA
Associate Planner

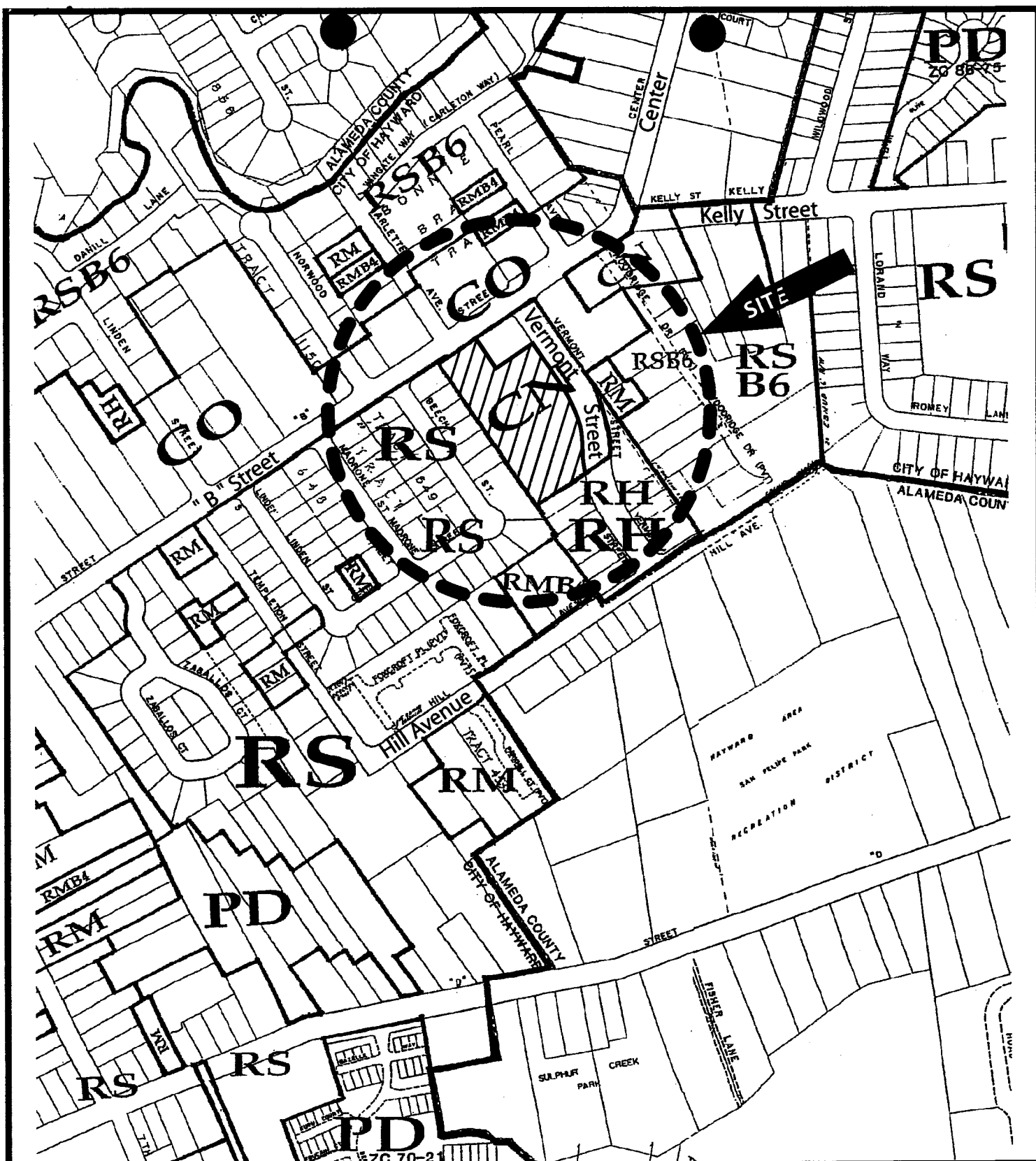
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings and Conditions of Approval
- C. Site Plan
- D. Staff Reports 03/9/00 and 03/30/00
- E. Property Manager's Letter 01/09/03



Area & Zoning Map

PL-2003-0030 AUP

Address: 22363 Vermont Street

Applicant: Alex Bailey

Owner: Loube Etal

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6



**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT APPROVAL
April 10, 2003**

ADMINISTRATIVE USE PERMIT APPLICATION No. 2003-0030 – Alex Bailey
(Applicant/ Loube, Etal (Owner) – Authorizing the operation of a religious facility within an 1,800 square foot space in the Vermont Shopping Center.

The site is located at 22636 Vermont Street in the Neighborhood Commercial (CN) District, (APN) 416 0160 007

FINDINGS FOR APPROVAL

1. The proposed project is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA) Guidelines; however, it qualifies for a Categorical Exemption under Section 15301, Class 1 (C) Existing Facilities.
2. The proposed use is consistent with the character and integrity of the CN (Neighborhood Commercial) Zoning District and would not impair the Vermont Plaza Shopping Center from progressing toward becoming a viable neighborhood shopping center because the use may attract persons who will patronize the businesses at the shopping center.
3. The proposed use is consistent with the General Plan and Upper B Street Neighborhood Plan and the public welfare in that it provides additional educational and religious activities to this neighborhood.
4. Because Vermont Plaza has had on going vacancies for some time and the proposed religious facility use of the premises would not deprive the shopping center and the Upper B Street Neighborhood of potential businesses and services that would provide public convenience and welfare.

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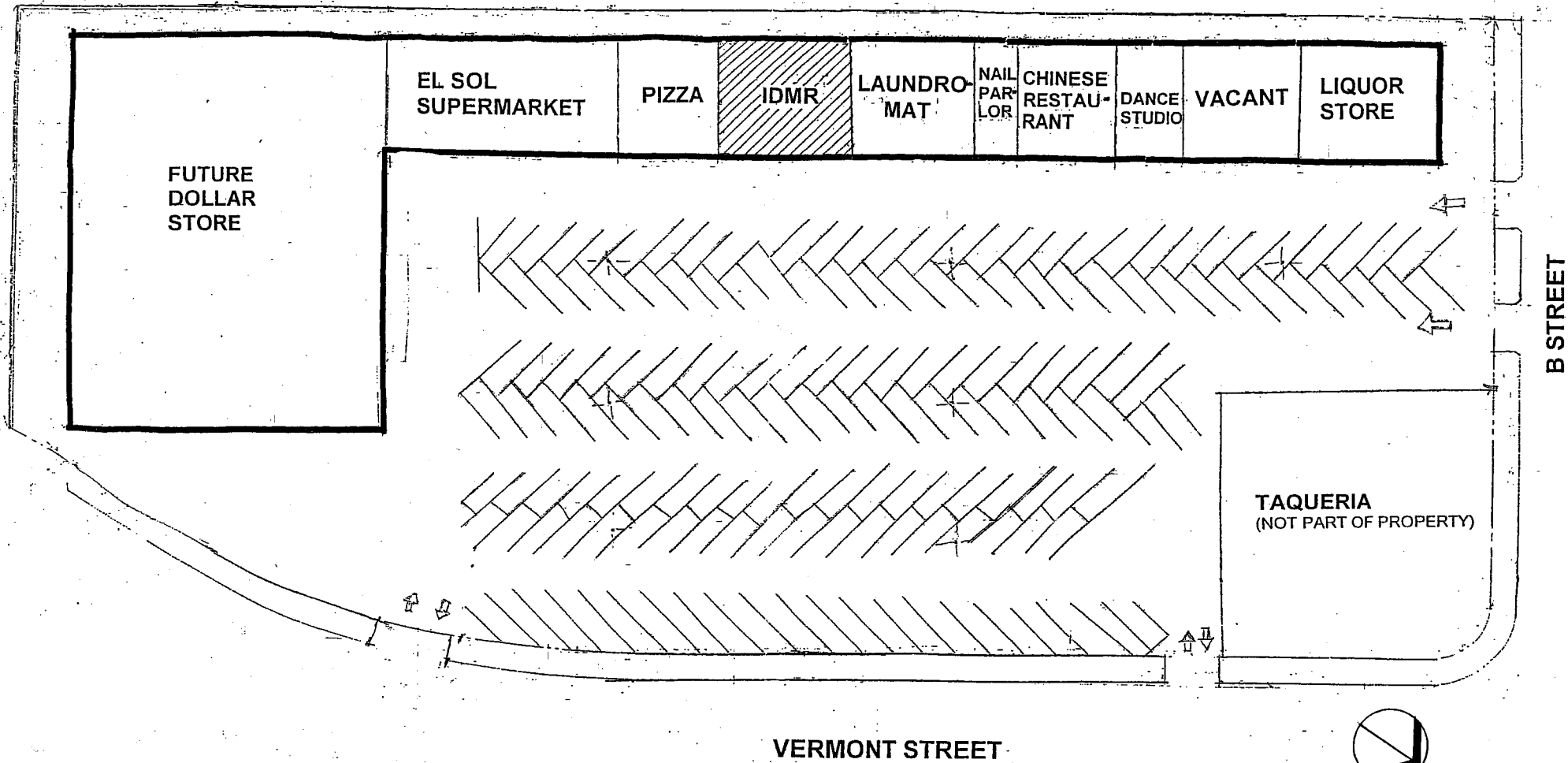
CONDITIONS OF APPROVAL

GENERAL

1. Administrative Use Permit 2002-0030 is approved subject to the specific conditions listed below.
2. All signs shall be submitted to City staff to determine compliance with the City's sign standards, including the necessity of a sign permit.
3. The property owner shall maintain in good repair all building exteriors, walls, lighting, landscaping trash enclosures, drainage facilities, driveways and parking areas. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.
4. All applicable building or other City Code requirements shall be met.

FIRE DEPARTMENT

5. Exiting shall be maintained within the building as previously approved.
6. Exit signage shall be properly posted at all exit doors, and shall be maintained with self-illumination.
7. Exit doors are required to have panic hardware and shall remain unobstructed.
8. Aisle widths shall meet the Fire Code.
9. Occupant load sign shall be posted in an approved location.
10. All decorative materials shall be flame treated.



SITE PLAN



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 03/09/00

Agenda Item 1

TO: Planning Commission

FROM: Philip W. Block, Associate Planner

SUBJECT: Use Permit UP 00-160-04 – Alex Bailey Representing the Institute of Divine Metaphysical Research (Applicant), Loube, et. al. (Owner) – Request to Conduct Bible Classes in the Vermont Plaza Shopping Center at 22636 Vermont Street in a Neighborhood Commercial (CN) Zoning District

RECOMMENDATION:

It is recommended that the Planning Commission find that the project is exempt from environmental review and that it be denied based on the attached findings.

BACKGROUND:

Setting

The Vermont Plaza Shopping Center includes approximately 2 acres at the southwest corner of B Street and Vermont Street. The center is generally surrounded by single and multiple family residences.

Proposal

The Institute of Divine Metaphysical Research (IDMR), a non-profit religious and scientific organization, proposes to conduct Bible classes within an 1,800 square foot lease area in the Vermont Plaza Shopping Center. The classes would take place in the evening and on Sundays. Approximately 50 to 60 people would attend the Sunday classes and 10 to 20 people the evening sessions. See Attachment B for a detailed class schedule. The IDMR prospective lease agreement is for 3 years with 2 one-year options.

Although Vermont Plaza exhibits deferred maintenance and is in need of fresh paint and renovated landscaping, no exterior changes are proposed to the building or grounds. The applicant would upgrade the interior by adding a second restroom, replacing bathroom fixtures and removing a storage partition.

Vermont Plaza Shopping Center

The Vermont Plaza Shopping Center is a small neighborhood retail center, which has served the upper B Street area for a number of years. Vermont Plaza currently has the following businesses: thrift store, New York Pizza, laundromat, nail parlor, Chinese restaurant, business center, bar, and liquor store. Presently there are two empty store fronts. A labor employment office previously occupied one, and the space the applicant would like to lease was formerly a video rental store. The Planning staff believes that the City should continue to encourage retail and complementary service uses in this neighborhood center consistent with the purpose of the Neighborhood Commercial zoning. Because of its location, the Vermont Plaza Shopping Center could become the major focal point of the neighborhood. There is a sufficient customer base, approximately (2900 dwelling units with a population of 7,700) and through traffic on B Street to support a retail center.

The applicant believes that the proposed Bible classes would not cause traffic, parking or other problems for the neighborhood or other Vermont Plaza Shopping Center businesses. They also indicate that the shopping center owner has difficulty finding space in the shopping center for the type of retail and service type uses traditionally found in a viable neighborhood shopping center. Nevertheless, staff believes that uses within a neighborhood should be supportive of neighborhood needs and which are complementary to surrounding businesses.

Consistency with adopted Plans and Policies

The Upper B Street Neighborhood Plan advocates making Vermont Plaza once again a vital, integral part of the neighborhood. The City Council Shopping Center Committee met at the center a few years ago to discuss improvements in conjunction with another potential tenant (a large church); however, the property owner has never implemented them and the church did not locate there.

The City of Hayward's General Policies Plan stresses the importance of protecting and developing suitable locations for business uses. Allowing low intensity or non-commercial uses in commercial areas can limit economic potential well into the future. "Retail areas, especially, require coordination of adjoining uses to provide complementary goods and services and attractive joint appearance."

Environmental Review

The proposal is defined as a project under parameters set forth in the California Environmental Quality Act (CEQA); however, it qualifies for a Categorical Exemption under Section 15301. Class 1 Existing Facilities.

Public Notice

A notice of Public Hearing was mailed to every property owner, business and resident within 300 feet of the property as noted on the latest assessor's records, and to former members of the Upper B Street Neighborhood Task Force and appropriate public agencies.

Conclusion

In staff's opinion, the best uses for the two vacant spaces in Vermont Plaza Shopping Center are those listed as Primary Uses in the CN (Neighborhood Commercial) Zone. These traditional neighborhood shopping center uses include retail commercial, service commercial, personal services, and administrative and professional offices. Further, the purpose of the Neighborhood Commercial District is to provide products and services purchased frequently for the convenience of the neighborhood. Therefore staff recommends that the proposal for Bible Classes at Vermont Plaza be denied.

If the Planning Commission is supportive of the application, staff recommends that conditions of approval be prepared to address the change in occupancy and the term of the use permit and be presented for the Commission's approval.

Prepared by:

Philip W. Block, AICP
Associate Planner

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Applicant's Background Information
- C. Applicant's Justification
- D. Findings for Denial

Shopping Center Site Plan
Proposed Lease Space Floor Plan



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 03/23/00

Agenda Item 1

TO: Planning Commission

FROM: Philip W. Block, Associate Planner

SUBJECT: Use Permit UP 00-160-04 – Alex Bailey Representing the Institute of Divine Metaphysical Research (Applicant), Loube, et. al. (Owner) – Adoption of Findings in Support of a Religious Facility and Review of Conditions Under Which the Applicant May Operate the Religious Facility Within an 1,800 Square Feet Space in the Vermont Plaza Shopping Center at 22636 Vermont Street.

RECOMMENDATION:

It is recommended that the Planning Commission adopt the attached findings and conditions of approval and approve the issuance of a 3-year use permit for the proposed religious facility.

DISCUSSION:

At its March 9, 2000, meeting, the Planning Commission adopted a motion indicating a willingness to approve a 3-year use permit for a religious facility within the Vermont Plaza shopping center and directed staff to prepare findings and conditions for approval, which are attached. The conditions reflect standard conditions for development in Hayward, as well as a site-specific condition. The site-specific condition relates to a time limitation.

Prepared by:

Philip W. Block

Philip W. Block, AICP
Associate Planner

Recommended by:

Dyana Anderly

Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Findings for Approval
- B. Conditions of Approval

CONDITIONS OF APPROVAL
UP 00-160-04
Institute of Divine Metaphysical Research (IDMR)
Vermont Plaza Shopping Center
22636 Vermont Street

GENERAL

1. UP 00-160-04 is approved subject to the specific conditions listed below. This permit becomes void on March 9, 2001, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this Use Permit is approved.
2. All signing shall be approved by City staff. Certain type signs, if proposed, will require a sign permit and need to be consistent with a City staff approved Vermont Plaza Shopping Center Sign program.
3. The property owner shall maintain in good repair all building exteriors, walls, lighting, landscaping trash enclosures, drainage facilities, driveways and parking areas. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.
4. All applicable building permit or other City Code requirements shall be met.

FIRE DEPARTMENT

5. A building survey inspection is required.
6. Fire sprinkler system is not required; however, the tenant space is required to meet UFC Article 25 for places of assembly. To include the following:
 - Exiting shall be per the Uniform Building Code.
 - Exit signage shall be self-illuminated and installed at all exit doors.
 - All exit doors shall have panic hardware.
 - Aisle widths shall meet the Fire Code for fixed and/or non-fixed seating.
 - Post an occupant load sign at an approved location.
 - All decorative materials shall be flame treated and a certificate of flame resistive treatment shall be forwarded to the Fire Department prior to occupancy.
 - An annual permit for places of assembly is required prior to occupancy.

TIME LIMITATIONS

7. This Use Permit approval is for three years. At that time, if the applicant wishes to have the Use Permit extended, a written request must be made prior to March 9, 2003. The Planning Commission will consider how well the applicant and property owner have met the Conditions of Approval as well as the needs of the neighborhood and Vermont Plaza Shopping Center.



RECEIVED

JAN 13 2003

PLANNING DIVISION

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www.BSRRealty.com

January 9, 2003

Mr. Jim Deluz
City of Hayward
Planning Department
777 B Street
Hayward, Ca 94541 – 5007

Re: IDMR
22636 Vermont St

To whom it may concern:

I am the Property Manager for the Vermont Plaza Property, which includes the IDMR facility as addressed above. Their lease is coming due in April and a conditional use permit is required to maintain tenancy.

This institution has been an asset to our property by bringing good patrons to this location on a regular basis. They have patronized our other businesses in the center and have even facilitated community meetings for the Hayward Police Department in a neighborhood watch effort. In addition, they have upgraded their site to include handicapped toilet facilities and met the Fire Department's requirements for egress, which has improved and updated the Vermont site.

I look forward to renewing their lease in the near future. If you have any questions, please contact me at 510-538-2131, extension 108.

Sincerely,

Gay Roberts Harris
Property Manager

EXHIBIT E